

## § 96.385

## 40 CFR Ch. I (7–1–10 Edition)

emission rate as the original CAIR NO<sub>x</sub> Ozone Season opt-in unit, and the original CAIR NO<sub>x</sub> Ozone Season opt-in unit shall no longer be treated as a CAIR NO<sub>x</sub> Ozone Season opt-in unit or a CAIR NO<sub>x</sub> Ozone Season unit.

[70 FR 25382, May 12, 2005, as amended at 71 FR 25396, Apr. 28, 2006; 71 FR 74794, Dec. 13, 2006]

### § 96.385 CAIR opt-in permit contents.

(a) Each CAIR opt-in permit will contain:

(1) All elements required for a complete CAIR permit application under § 96.322;

(2) The certification in § 96.383(a)(2);

(3) The unit's baseline heat input under § 96.384(c);

(4) The unit's baseline NO<sub>x</sub> emission rate under § 96.384(d);

(5) A statement whether the unit is to be allocated CAIR NO<sub>x</sub> Ozone Season allowances under § 96.388(b) or § 96.388(c) (subject to the conditions in §§ 96.384(h) and 96.386(g));

(6) A statement that the unit may withdraw from the CAIR NO<sub>x</sub> Ozone Season Trading Program only in accordance with § 96.386; and

(7) A statement that the unit is subject to, and the owners and operators of the unit must comply with, the requirements of § 96.387.

(b) Each CAIR opt-in permit is deemed to incorporate automatically the definitions of terms under § 96.302 and, upon recordation by the Administrator under subpart FFFF or GGGG of this part or this subpart, every allocation, transfer, or deduction of CAIR NO<sub>x</sub> Ozone Season allowances to or from the compliance account of the source that includes a CAIR NO<sub>x</sub> Ozone Season opt-in unit covered by the CAIR opt-in permit.

(c) The CAIR opt-in permit shall be included, in a format specified by the permitting authority, in the CAIR permit for the source where the CAIR NO<sub>x</sub> Ozone Season opt-in unit is located and in a title V operating permit or other federally enforceable permit for the source.

[70 FR 25382, May 12, 2005, as amended at 71 FR 25396, Apr. 28, 2006]

### § 96.386 Withdrawal from CAIR NO<sub>x</sub> Ozone Season Trading Program.

Except as provided under paragraph (g) of this section, a CAIR NO<sub>x</sub> Ozone Season opt-in unit may withdraw from the CAIR NO<sub>x</sub> Ozone Season Trading Program, but only if the permitting authority issues a notification to the CAIR designated representative of the CAIR NO<sub>x</sub> Ozone Season opt-in unit of the acceptance of the withdrawal of the CAIR NO<sub>x</sub> Ozone Season opt-in unit in accordance with paragraph (d) of this section.

(a) *Requesting withdrawal.* In order to withdraw a CAIR NO<sub>x</sub> Ozone Season opt-on unit from the CAIR NO<sub>x</sub> Ozone Season Trading Program, the CAIR designated representative of the CAIR NO<sub>x</sub> Ozone Season opt-in unit shall submit to the permitting authority a request to withdraw effective as of midnight of September 30 of a specified calendar year, which date must be at least 4 years after September 30 of the year of entry into the CAIR NO<sub>x</sub> Ozone Season Trading Program under § 96.384(g). The request must be submitted no later than 90 days before the requested effective date of withdrawal.

(b) *Conditions for withdrawal.* Before a CAIR NO<sub>x</sub> Ozone Season opt-in unit covered by a request under paragraph (a) of this section may withdraw from the CAIR NO<sub>x</sub> Ozone Season Trading Program and the CAIR opt-in permit may be terminated under paragraph (e) of this section, the following conditions must be met:

(1) For the control period ending on the date on which the withdrawal is to be effective, the source that includes the CAIR NO<sub>x</sub> Ozone Season opt-in unit must meet the requirement to hold CAIR NO<sub>x</sub> Ozone Season allowances under § 96.306(c) and cannot have any excess emissions.

(2) After the requirement for withdrawal under paragraph (b)(1) of this section is met, the Administrator will deduct from the compliance account of the source that includes the CAIR NO<sub>x</sub> Ozone Season opt-in unit CAIR NO<sub>x</sub> Ozone Season allowances equal in amount to and allocated for the same or a prior control period as any CAIR NO<sub>x</sub> Ozone Season allowances allocated to the CAIR NO<sub>x</sub> Ozone Season opt-in